

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 SHEILA LITTLE,

4 Plaintiff

5 v.

6 WYNN LAS VEGAS, LLC,

7 Defendant

Case No.: 2:23-cv-01150-APG-MDC

**ORDER APPROVING STIPULATION  
OF SETTLEMENT**

[ECF No. 54]

8 The parties filed a joint motion for approval of a proposed collective action settlement  
9 (the Settlement) under the Fair Labor Standards Act (FLSA). I find as follows:

10 1. The proposed Settlement is a fair and reasonable resolution of a bona fide dispute  
11 arising under the FLSA for those collective action members, all of whom are current or former  
12 employees of defendant, that elect to participate in the Settlement. Those collective action  
13 members include the current plaintiffs who have opted-in to this case and persons who have not  
14 asserted claims in this case but who chose to accept the offer of settlement. As discussed in  
15 *Lynn's Food Stores, Inc. v. United States*, 679 F.2d 1350, 1355-56 (11th Cir. 1982), the terms of  
16 the proposed settlement represent a reasonable compromise of the disputed issue as to plaintiffs'  
17 and other collective action members' claims for allegedly unpaid tips and related relief. There  
18 is no evidence of collusion, and the settlement is the result of arms-length negotiations between  
19 experienced counsel representing the interests of both sides and with the assistance of former  
20 federal Magistrate Judge Carl W. Hoffman, Retired.

21 2. The settlement apportionment and disbursement of funds is reasonable for the  
22 reasons set forth in the motion to approve the Settlement and constitutes a fair and reasonable  
23 compromise of the FLSA and state law claims. The Settlement is fair and reasonable in all

1 other respects, including (i) the service awards to plaintiff Sheila Little and Opt-in Plaintiffs  
2 Elena Espino and Alejandro Benitez (Lead Plaintiffs) for the work that they performed on  
3 behalf of others, (ii) the attorneys' fees and costs of plaintiffs' counsel, and (iii) the proposed  
4 fees of the Settlement Administrator Phoenix Class Action Administration Solutions. The  
5 settlement confers a substantial benefit to all collective action members similarly situated to the  
6 plaintiffs, considering the strength of the plaintiffs' claims and the risk, expense, complexity,  
7 and duration of further litigation.

8       3. I exercise a more limited role in approving an FLSA collective action settlement  
9 than when considering approval of a Federal Rule of Civil Procedure Rule 23 class action  
10 settlement. *See, Genesis Healthcare Corp. v. Symczyk*, 133 S. Ct. 1523, 1529 (2013) ("Rule 23  
11 actions are fundamentally different from collective actions under the FLSA."). There are no  
12 collective action members who will have their legal rights limited by failing to act in response  
13 to the proposed Settlement. The persons who are eligible collective action members may accept  
14 or decline the Settlement as each deems best. If they decline to accept the Settlement and  
15 release the defendant from their FLSA and state law claims they may promptly pursue their  
16 FLSA and state law claims against the defendant in separate litigation without any diminution  
17 of their force or value as a result of the Settlement.

18       4. The Settlement further provides the collective action members may decline to  
19 accept the Settlement and recommence their FLSA and state law claims against the defendant  
20 with no erosion of the statute of limitations applicable to those claims as long as they do so  
21 within 30 days of the entry of a final judgment in this case. While any plaintiffs that decline to  
22 accept the Settlement would have to initiate such separate litigation, as the Settlement requires  
23 that this case be dismissed by a final judgment, that requirement does not negate my finding that

1 the Settlement is fair and reasonable under the FLSA and warrants approval.

2 **I THEREFORE ORDER THAT:**

3 The proposed Settlement is approved as a fair and reasonable compromise and  
4 settlement of Fair Labor Standards Act and state law claims for such plaintiffs and the other  
5 collective action members who agree to accept it. I approve in substantially the form annexed  
6 as Exhibit E the Notice and Exhibit D the Settlement Offer and Release forms for the proposed  
7 Settlement that will be mailed no later than July 5, 2024 to the plaintiffs and other collective  
8 action members.

9 If the Settlement is not voided pursuant to its terms, I will, without a further hearing,  
10 approve and enter an Order substantially in the form of Exhibit B to the Settlement Agreement  
11 that enters a final judgment dismissing this case as provided for by the Settlement and  
12 approving a final settlement of the Fair Labor Standards Act claims of the plaintiffs and the  
13 other collective action members who agree to participate in the Settlement. That Order will also  
14 address and resolve any potential motion by plaintiffs' counsel to be relieved as attorney for any  
15 current opt-in plaintiff who decides to reject the Settlement, if said motion is required to be  
16 filed.

17 DATED this 16th day of June, 2024.

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20 ANDREW P. GORDON  
21 UNITED STATES DISTRICT JUDGE  
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